

REMARKS

Claims 1, 3 – 14 and 16 - 17 are currently pending in this application.

Response to Rejection under 35 USC 102

Claims 1, 8 and 14 have been amended to add the limitation of the reservoir being formed in a honeycomb pattern, and that the capillary mat is partially submersed in the water in the reservoir in direct contact with the water without being substantially submersed. The honeycomb pattern allows the water to flow uniformly through the reservoir while providing support the pots. The direct contact of the capillary mat insures uniform distribution of water throughout the mat instead of in spot locations. The partial submersion without being substantially submersed prevents overwatering of the plants.

Claims 1, 3, 4, 8 – 10, and 14 were rejected as anticipated by Lanz. Lanz discloses a plant watering system having a reservoir that uses a plurality of rock wool cubes (7) extending through molded spacers (5, 6) elevated over the support surface of a glass fiber mat as an excess length to wick the water in the reservoir up to the plants. Lanz does not disclose a capillary mat that wicks water from the reservoir to the plants.

Lanz discloses *“These rock wool cubes are used as a capillary system for water transport from the water storage tank 1 to the glass fiber mat 2. The rock wool cubes 7 must be suited to transporting the water 4 from bottom to top. The individual rock wool cubes must (roughly 2 to 3 mm) project elevated over the support surface of the glass fiber mat as an excess length 15. The water 4 is uniformly distributed on the glass fiber mat 2. On the glass fiber mat there is a needle-hole film 3 which covers the glass fiber mat 2 against algae formation on the table surface. At the same time the needle-hole film is water permeable, for supply of water absorption of the plants on the bottom of the pots.”*

In operation, the water is transported via the capillary action of the rock wool cubes over and onto the surface of the mats 2. The water then spreads over this mat to allow absorption into the bottom of the pots. There is a water permeable film that lies onto the surface of the mat to prevent algae formation. **The mat 2 is the opposite of a capillary mat.** It is impermeable from water absorption and is incapable of capillary action. Instead, it acts as a

reservoir to hold and spread the water that is wicked to it from the rock wool cubes. The Lanz reference actually teaches away from Applicant's invention as presently claimed.

Further, as the examiner noted in the Office Action, the glass fiber mat and/or sand layer of Lanz are not in direct contact with the water. The mat extends above the surface of the water. Also, the multipot or molded spacers of Lanz do not form a honeycomb pattern and do not allow free flow of water through the spacers.

It has been clearly established that under 35 U.S.C. 102(b), in order for a reference to anticipate a claimed invention, it must disclose every limitation of the claimed invention. In this instance, Lanz fails to disclose the limitation of the capillary mat partially submersed in the water so that it directly wicks the water from the reservoir to the plants. Instead, Lanz uses a plurality of rock wool cubes extending above the glass fiber mat to wick the water. This causes uneven distribution of the water, depending on the location of the cubes, the size of the cubes and the ability of individual cubes to wick the water. Thus claims 1, 3, 4, 8 – 10 and 14 are not anticipated by Lanz.

The Office Action also stated that Lanz discloses a reservoir (#5) with a plurality of perforations placed in the top between the side panels. As clearly shown in Figures 1, the "reservoir" #5 is a multipot board that is inserted between the side panels. The multipot board does not allow water to freely communicate between the "perforations". The multipot board also does not hold the capillary mat from being submersed in the water as set forth in claim 3 and now incorporated into claim 1.

Further, claims 3 and 9 have been amended to clarify that the capillary mat is of sufficient thickness so that the mat is not substantially immersed in the water. The rock wool cubes of Lanz are substantially immersed in the water supply.

Response to Rejection under 35 USC 103

Claims 5, 11 and 17 were rejected as unpatentable over Lanz in view of Solomon. As discussed above, Lanz discloses a plant watering system having a reservoir with molded spacers to support the plants. Water is wicked upwards through the molded spacers by rock wool cubes extending above the surface of a glass fiber mat. Lanz does not disclose a capillary mat that directly wicks the water uniformly from the reservoir. Instead, Lanz uses a plurality of rock

wool cubes for this purpose which fail to distribute the water uniformly. Solomon discloses a capillary mat that wicks water through the ends of the mat to the plants supported on the mat. This mat does not distribute the water uniformly, as the plants at the ends of the mat will receive more water than plants in the center of the mat. Neither Lanz or Solomon, either singly or in combination with one another disclose the use of a capillary mat that directly wicks water uniformly to the plants. Thus claims 5, 11 and 17 are patentable in view of the combination of Lanz and Solomon.

Claims 6, 12, and 16 were rejected as unpatentable over Lanz in view of Filippi. Filippi fails to disclose the use of a capillary mat that directly wicks the water uniformly to the plants. Thus claims 7 and 13 are patentable as well.

Claims 6, 12, and 16 were rejected as unpatentable over Lanz in view of Marrison. Marrison fails to disclose the use of a capillary mat that directly wicks the water uniformly to the plants. Thus claims 7 and 13 are patentable as well.

The Applicant respectfully requests that claims 1, 3 – 14 and 16 - 17 be allowed in view of the above remarks. The Examiner is respectfully requested to telephone the undersigned if further discussions would advance the prosecution of this application.

Respectfully submitted,

Date: September 15, 2008

By: (s) /glennlwebb/
Glenn L. Webb, Reg. No. 32,668
PO 951
Conifer, CO 80433
303 816 4893